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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,691	11/18/2003	Timothy W. Girdalin	8591-112	6613
36412	7590	12/30/2004	EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,691

Applicant(s)

GIRALDIN ET AL.

Examiner

Daniel A Hess

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2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/13/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's initial filing of 11/18/2003, which has been placed in the file of record.

Specification

The disclosure is objected to because of the following informalities: In the third paragraph, there are a number of blank areas where the applicant intended to enter serial numbers of copending cases.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Howington (US PG Pub No. 2002/0152120). Howington teaches all of the elements and means as recited in the above claims. For example, Howington teaches the following:

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Re claims 1: (claim language is underlined; following that are portions of Howington that are relevant)

A method of communication for a confined area of a facility, comprising:

receiving personal identification information of a guest into at least one of a set of stations distributed throughout the confined area;

Howington teaches:

[0036] “As mentioned earlier, many casinos also employ data gathering techniques (e.g., magnetic swipe cards at each machine) for identifying a patron and associated personal information”

receiving demographic information regarding the registered guest;

monitoring movement of the guest over time within the confined area;

storing guest movement information;

Howington teaches:

[0036] “associated personal information, *the patron's location within the casino*, that patron's wagering characteristics, that patron's affiliation with other groups or patrons, promotional items or comps related to the patron, and that patron's other activities related to arriving at, enjoying and departing from the casino. Embodiments of the present invention contemplate sharing of the patron related information with the machine management database information described earlier. The sharing of this information allows scores for and evaluations of games and players. Game and player-related relationships may also be compared on any basis such as game type, denomination, location, group, *age, sex, status, and club level*”

[0022] “Patron information includes a wide variety of data including *tracking patrons throughout the casino and any attached resort attractions*, tracking gaming, credit restaurant, recreational and retail transactions”

and creating reports on the demographics and movements of the guest.

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The collection of data described in paragraphs [0022] and [0036] can broadly be described as a report on a patron/guest since the term report is a broad term and can mean an organized grouping of data.

Note also that (entire document) the positions of individual gambling locations are known in the system, and thus tracking a user's use of such systems allows tracking the user's physical movements.

Re claim 2:

A method according to claim 1, further including storing information relating to the cashless spending history of the guest at various stations throughout the confined area.

[0022]: "tracking gaming, credit restaurant, recreational and retail transactions"

[0023]: "...the present invention also tracks and manages data related to patron hotel transactions and preferences; restaurant purchases, point and comp redemption; retail purchases; and information relating to recreational activities that patrons undertake, such as golf outings, spas, movies and the like."

[0036]: "patron's wagering characteristics"

Re claim 3:

determining spending habits of the guest in response to the stored cashless spending history

[0023]: "Knowledge and analysis concerning such data is obviously desirable for club member and non-club member patrons for targeted marketing efforts and for improving customer service. For this reason, the system of the present invention also tracks and manages data related to patron hotel transactions and preferences; restaurant purchases, point and comp redemption; retail purchases; and information relating to recreational activities that patrons undertake, such as golf outings, spas, movies and the like."

Re claim 4:

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sorting information relating to habits of the guest while using the facility as to the demographic information of the guest.

[0036]: "Game and player-related relationships may also be compared on any basis such as game type, denomination, location, group, age, sex, status, and club level."

Re claim 5:

further including storing attraction reservations entered by the guest

[0023]: "tracks and manages data related to patron hotel transactions and preferences; restaurant purchases"

Re claim 6: The collection of data described in paragraphs [0022] and [0036] can broadly be described as a report on a patron/guest since the term report is a broad term and can mean an organized grouping of data.

Re claims 7, 13: See discussion re claim 1 above. Note in particular that the method described by Howington is also a system, and further note that the system is almost certainly run by software.

Re claims 8, 14: See discussion re claim 2, above.

Re claims 9, 15: See discussion re claim 3, above.

Re claims 10, 16: See discussion re claim 4, above.

Re claim 11, 17: See discussion re claim 5, above.

Re claim 12, 18: See discussion re claim 6, above.

Conclusion

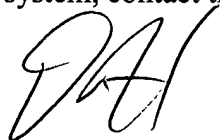
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White (US 4,275,385) teaches tracking the location of individuals. Tracking a user's purchase history is known: see Sutton et al. (US 2002/0120530), [0004]; see also US 2002/0087409, [0100] and [0130].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

**DANIEL STCYR
PRIMARY EXAMINER**

